



General Services Administration
Public Buildings Service
Washington, DC 20405



21 SEP 1989

PQRP-89-08

MEMORANDUM FOR ALL REAL PROPERTY LEASING ACTIVITIES
(PQRP DISTRIBUTION LIST)

FROM: ROBERT J. DILUCHIO
ASSISTANT COMMISSIONER FOR
REAL PROPERTY DEVELOPMENT - PQ

SUBJECT: Handicapped Accessibility in Leased Space

1. Purpose. To update GSA handicapped accessibility standards to reflect the requirements of the revised Uniform Federal Accessibility Standards (UFAS). Mandatory use will be required when the revised SMARTS solicitation for offers (SFO) is issued.

2. Background. The Uniform Accessibility Standards (UFAS) were originally created in 1984, in order to comply with the Architectural Barriers Act of 1968 (ACT). Specific guidelines regarding leased space had previously been reserved in UFAS in recognition of the fact that litigation was pending concerning whether the Act required that buildings be made accessible at the time of leasing or only as they were otherwise altered. The litigation was resolved holding that space shall be made accessible at the time of leasing.

Accessibility Guidelines, which preceded the establishment of UFAS were published in the Federal Register by the Architectural and Transportation Barriers Compliance Board as a final rule on September 14, 1988. The UFAS are in the process of being revised and will include the leasing provisions which were published on September 14, 1988. GSA will adopt the UFAS requirements regarding leased space as mandatory when the revised SFO is issued.

3. Effective date/Expiration date. The revised automated SFO, with a number of changes, will be issued within the next 2 months. The updated handicapped accessibility paragraphs will be included in that update. This policy will be effective 15 days after issuance of that revised SFO and all future SFO's generated shall follow these requirements. The small lease package is in the process of being automated; therefore, the new requirements have been attached and should be manually added until the automated version is available. This policy will remain in effect for 1 year unless incorporated into the leasing handbook or otherwise extended.

4. Cancellation. Acquisition Letters PRL-84-15 and PQP-88-11 are cancelled.

5. Coverage. All real property leasing activities.

6. Instructions/Procedures.

(a). When GSA leases space in EXISTING BUILDINGS, the following will apply:

o NEW SPACE

1. If an offer (or offers) is received that fully meets* the new construction requirements of the SFO, then no other offers will be considered for award.

2. If no offers are received that fully meet the new construction requirements then offers that substantially meet* the new construction requirements will be considered.

3. If no offers are received that substantially meet the new construction requirements, then offers that meet the minimum accessibility requirements* will be considered.

4. If no offers are received which meet the minimum accessibility requirements of the solicitation, and no offerors are willing to modify their buildings to comply, then a waiver of Handicapped Accessibility must be requested by the Contracting Officer. The Regional Administrator would send a statement of Determination and Findings through the Commissioner of PBS to the Administrator of GSA who would then make a determination whether or not to approve the request.

*The requirements for "fully meets", "substantially meets" and "meets minimum requirements" have been listed in the SFO for clarity.

o SUCCEEDING/SUPERSEDING/RENEWAL/EXTENSION

If the space meets or betters the new minimum accessibility requirements, then no alterations are necessary to the building. The file should be documented to reflect that the minimum accessibility requirements of the new UFAS have been met. If the space does not meet the minimum accessibility requirements then the space shall be either modified to meet the minimum requirements, must be eligible to meet the conditions for an exception, or a waiver of standards is granted. Exceptions are enumerated in paragraph (e).

o HISTORIC BUILDINGS

Space in historic buildings shall meet the technical requirements of the solicitation to be considered for award. However, alternative solutions to achieving accessibility in certain building elements in historic buildings are permitted. (See Section 4.1.7 of UFAS) In these instances, a determination must be made by the Advisory Council on Historic Preservation, via appropriate contacts with the State Historic Preservation Officer, that normal application of an accessibility requirement would threaten or destroy the historic significance of the building. Determinations by the Council must be in writing and a copy must be maintained in the lease file.

(b) When GSA leases space in **BUILDINGS TO BE CONSTRUCTED**, the following will apply:

Buildings that are to be designed and constructed shall fully meet the accessibility requirements of UFAS for new construction. Offers will not be considered unless they provide these mandatory accessibility features.

(c) When **ALTERATIONS** are performed on or **ADDITIONS** are made to existing buildings the following will apply:

Alterations to existing buildings which impact the accessibility requirements shall be completed to fully meet the accessibility requirements of new construction. For example, if an elevator is being altered, then the elevator shall be required to fully meet the accessibility standards for elevators. However, if the HVAC system is being replaced, then the accessibility requirements would not apply.

Additions to existing buildings shall fully meet the UFAS requirements for new construction.

(d) **EXISTING LEASES** shall be required to meet the provisions of the new accessibility requirements only as additions or alterations are made to the building. **EXPANSIONS** will have to meet or better the minimum accessibility requirements.

(e) **DEVIATIONS** from the standard:

o Exceptions

In the following circumstances space can be leased without accessibility alterations:

- (i) If the space is necessary for officials servicing natural or human-made disasters on an emergency basis;
- (ii) If the space is used on an intermittent basis;
- (iii) If the occupancy of the space is for no more than 12 months. If delays occur during the 12 months the short term lease may be extended for no more than an additional 12 months.

o Mechanical rooms and other spaces which normally are not frequented by the public or by employees with handicaps or which by nature of their use are not required to be accessible are excepted from the accessibility requirements.

(f) It is not necessary to incorporate the new requirements or amend Solicitations which were issued prior to the effective date of this Acquisition Letter.